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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/820,580

03/29/2001

Phillip W. Lucas

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04/04/2006

MUNSCH, HARDT, KOPF & HARR, P.C.
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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/820,580 | Applicant(s) LUCAS, PHILLIP W. | |
| | Examiner Shick C. Hom | Art Unit 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,20-22,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 6,7,44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Upon reconsideration the finality of the previous office action is withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 6-7, 20-22, and 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanford (4,926,470).

Regarding claims 6, 7:

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Sanford discloses a method of data communication, comprising: generating a first series of tones, the first series of tones encoding digital data in a predetermined message format; transmitting the first series of tones over a communication medium to a remote device; receiving a second series of tones, the second series of tones encoding a reply to the transmitted first series of tones in the predetermined message format (see col. 4 lines 33-51 which recite injecting ringback tones onto the telephone line in response to the DTMF tones produced by the subscriber phone clearly anticipate the second series of tones being in reply to the first series of tones); and wherein generating the first series of tones comprises generating tones representing a first predetermined password, and receiving the second series of tones comprises receiving tones representing a second predetermined password corresponding to the first predetermined password as in claim 6; and whereby receiving the second series of tones comprises receiving tones representing a disconnect message as in claim 7 (col. 7 line 41 to col. 8 line 22 which recite the tones being the ## symbol including the personal access code -the equivalent of a password-; different tones being generated in response to provide user feedback and acknowledgement; and whereby the microprocessor disconnect the subscriber from the telephone line

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so that incoming caller will receive a "busy" signal clearly anticipate first series of tones representing the predetermined password, the second series of tones representing the second predetermined password corresponding to the first predetermined password as in claim 6; and whereby receiving the second series of tones comprises receiving tones representing a disconnect message as in claim 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanford (4,926,470) in view of Solymar et al. (6,244,758).

For claims 44-45, Sanford discloses the method described in paragraph 4 of this office action. Sanford discloses all the subject matter of the claimed invention with the exception of

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the step of dialing a predetermined destination address of a remote server and waiting for a connection as recited in claims 44-45.

Solymer et al. from the same or similar fields of endeavor teach that it is known to provide the step of dialing a predetermined destination address of a remote server and waiting for a connection (see col. 2 lines 45-62 and col. 12 line 57 to col. 13 line 14 which recite dialing a pre-selected telecommunications number to a remote station via the standard public telecommunications system linked to a network service provider including the remote server whereby a CONNECT result code from the remote server will be received by the client if the dial string sent is successful). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of dialing a predetermined destination address of a remote server and waiting for a connection as taught by Solymer et al. in the communications method of Sanford. The step of dialing a predetermined destination address of a remote server and waiting for a connection can be implemented by connecting the remote server of Solymer et al. to the network of Sanford. The motivation for providing the step of dialing a predetermined destination address of a remote server and waiting for a

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connection as taught by Solymer et al. in the communication method of Sanford being that it provides more efficiency for the communication system since the system can be connected by standard Internet link using the remote server.

Allowable Subject Matter

7. Claims 20-22 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeong discloses a method and apparatus for providing an alarm call to a remotely located user using a DISA line in a private exchange.

Luddy discloses a subscriber unit for supporting communication rate modifications.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be

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reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH

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Seema S. Rao
SEEMA S. RAO 3/30/06
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600